

SPP-17-00005

Property: Lot 33 DP 1089417

56 Elsom Street, Blacktown

Proposal: Staged alterations and additions including demolition of three existing buildings and ancillary structures, site preparation works, tree removal, alterations and additions to the existing residential aged care facility (RACF) to provide a total of 123 bed, including a dementia specific wing, construction of 27 new independent living (self-contained) seniors dwellings, a maintenance shed and associated landscaping and car parking under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

PART 1

1 Deferred Commencement Matters

The following are deferred commencement conditions imposed pursuant to section 80(3) of the *Environmental Planning and Assessment Act 1979*.

Pursuant to Section 80(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant must satisfy the following deferred commencement conditions of consent prior to the development consent becoming operative:

- 1.1 This Development Consent is not to operate until such time as:
 - 1.1.1 A 2.5 m wide easement for stormwater drainage has been created and registered. The creation is pursuant to Section 88B of the Conveyancing Act, 1919 and registration with NSW Land Registry Services. The easement shall burden Lot 115 DP 707741 and benefit Lot 33 DP 1089417. The Applicant must ensure that the registration of the easement and concept design comply with all the conditions within this consent.
 - 1.1.2 Obtain a written agreement from Council's Property Section for a minimum 2.5 m wide drainage easement on the downstream lot 115/707741 (Council Reserve) located over the centreline of the proposed drainage line in accordance with the requirements of Council's Engineering Guide for Development 2005.
 - 1.1.3 The new pipe is to be designed to run in the same alignment as the existing pipe being removed to reduce excavation and disturbance of the site. Relocate the pit and pipe system from pit 3/E to 2/E to be fully within the development site and delete pit 1/E as detailed on ACOR drawing SYD160504 C202.07(D) dated 06.10.17.
 - 1.1.4 The existing stormwater pipeline to be made redundant is to be excavated and removed entirely. The excavation is to be filled and compacted using appropriate procedures in accordance with the relevant standards. The site is to be made good – turf, footpaths, mulch, etc. are to be replaced like for like to match existing levels and conditions. Council does not accept abandonment of stormwater pipelines due to the risks associated with unmaintained structures.
 - 1.1.5 The new pipe from the boundary pit to the existing downstream pit is to be constructed and made of Reinforced Concrete Pipe (RCP) in accordance with Council's Engineering Guide for Development 2005.
 - 1.1.6 The connection to the existing downstream pit is to be made in accordance with Council standards and is to be inspected by Council's Civil Maintenance Section.

1.2 This Development Consent is not to operate until such time as:

1.2.1 Special inter-allotment drainage requirements under the Local Government Act

The following items must be satisfied under the *Local Government Act 1993*. A Local Government Act approval can only be granted by Council and requires a separate application and payment of fees.

- a) Evidence of the creation and registration of a 2.5 metre wide easement for stormwater drainage.
- b) REMOVAL AND DECOMMISSIONING OF THE EXISTING REDUNDANT PIPEWORK AND construction of the inter-allotment drainage line required to drain the development.

NOTE: Detailed engineering drawings including longitudinal sections of the inter-allotment drainage lines are required to be submitted to Council for approval under a s68 Local Government Act.

- c) Submit a Compliance Certificate by a Registered Surveyor upon the completion of works indicating that all pipes and associated structures lie wholly within any easement.
- d) RE-VEGETATION AND RECONSTRUCTION/REINSTATEMENT OF ANY STRUCTURES, FORMS OR FINISHES must be applied to disturbed areas as soon as practical after completion of the construction of the inter-allotment drainage line.
- e) Submit a works-as-executed plan signed by a Chartered Professional Engineer or a Registered Surveyor (in both electronic format and hard copy).

NOTE: All engineering Works-As-Executed plans must be prepared on a copy of the original approved engineering plans.

- f) A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours' notice must be given prior to any required inspection. Council's Development Overseers can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday, for an inspection.

NOTE: Schedules of mandatory inspections are listed in Council's Works Specification – Civil (current version).

1.3 This Development Consent is not to operate until such time as:

1.3.1 CCTV Inspection of Stormwater Drainage Structures

All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV on completion of the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to Council in the form of a DVD of the inspection, a hard copy printout of the SEWRAT (or equivalent) report and a certified CCTV statement in accordance with Section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

1.4 Evidence that will enable the Council to be satisfied of the matters above must be provided to Council within 24 months of the date of this determination. If it is not provided

by this time, the consent will lapse pursuant to section 95(6) of the Act.

1.5 The consent will not become operative until the Council gives written notification to the applicant that the requirements of Conditions 1.1, 1.2 and 1.3 have been satisfied and thereafter, the consent will become operative from the date of that notification subject to the conditions set out in Part 2 below.

PART 2

1 ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.3.2 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.3.3 The demolition of the existing centrally located Independent Living Units shown hatched on the Site Plan (Reference DA3, Amendment 1, dated 13.1.2017) is approved by this consent. The demolition or removal of any other existing buildings or structures require separate development consent or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

1.3.4 If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A recognised Energy Provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.5 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.5 Identification Survey

- 1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

1.6 Engineering Notes

1.6.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)

Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

1.6.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

1.7 Payment of Engineering Fees

1.7.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

A quote will be provided verbally generally within 6 weeks followed by confirmation in writing.

1.17.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

A quote will be provided verbally generally within 6 weeks, followed by confirmation in writing.

2 GENERAL

2.1 Scope of Consent

2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated
Architectural Plans prepared by Calder Flower Architects:	
Residential Aged Care Facility	
Title Page, DA01, Issue A	20.03.2017
Overall Site Plan, DA.03, Issue B	22.06.2017
Local Site Plan, DA.05, Issue A	20.03.2017
Level 1 Floor Plan, DA.06, Issue B	22.06.2017
Level 2 Floor Plan, DA.07, Issue A	20.03.2017
Level 3 Floor Plan, DA.08, Issue B	22.06.2017
Level 4 Floor Plan & Roof Plan DA.09, Issue A	20.03.2017
Smoke & Fire Compartments DA.10, Issue A	20.03.2017
Elevations Sheet 1, DA.11, Issue A	20.03.2017
Sections, DA.12, Issue A	20.03.2017
Finishes, DA.13, Issue A	20.03.2017
Architectural Plans prepared by Stanton Dahl Architects:	
Independent Living Units	
Cover Sheet, DA00, Amendment 1	13.01.2017
Site Plan – Proposed DA03, Amendment 1	13.01.2017
Site Plan – Stage 1 DA04, Amendment 1	13.01.2017
Site Plan – Stage 2 DA05, Amendment 1	13.01.2017
Site Plan – Stage 3 DA06, Amendment 1	13.01.2017
Typical Floor Plan, 2x1 Bedroom Unit DA07, Amendment 1	13.01.2017
Typical Floor Plan, 2x2 Bedroom Unit DA08, Amendment 1	13.01.2017
Typical Floor Plan, 3x2 Bedroom Unit DA09, Amendment 1	13.01.2017
Typical Floor Plan, 3 Bedroom Unit DA10, Amendment 1	13.01.2017
Typical Floor Plan, 1 Bed + 2 Bedroom Unit, DA11, Amendment 1	13.01.2017
Key Plan, DA13, Amendment 1	13.01.2017
Elevations - Sheet 1 DA14, Amendment 1	13.01.2017
Elevations - Sheet 2	13.01.2017

DA15, Amendment 1	
Elevations - Sheet 3	13.01.2017
DA16, Amendment 1	
Section – Sheet 1, DA17, Amendment 1	13.01.2017
Section – Sheet 2, DA18, Amendment 1	13.01.2017
External Colour Schedule, DA22	13.01.2017
Amendment 1	
Window Schedule, DA23, Amendment 1	13.01.2017
Door Schedule, DA24, Amendment 1	13.01.2017
Maintenance Facility Floor Plan, SK-A	05.12.2017
Maintenance Facility Elevations	22.06.2017
Sheet 1, DA29, Amendment 1	

Landscape Plans prepared by Arterra Design Pty Ltd:

Total Landscape Area Calculation, L-AC-01, Revision P1	01.03.2017
Site Landscape Concept Plan, L-SD-01, Revision A	20.01.2017
RACF Landscape Concept Plan, L-SD-02, Revision A	20.01.2017
Typical Landscape Sections, L-SD-03, Revision A	20.01.2017
Landscape Character & Indicative Plant Schedule, L-SD-04, Revision A	20.01.2017
Typical Landscape Plan & Section - ILUs, L-SD-05, Revision A	20.01.2017
Overall Site Plan - Bin Enclosure Locations, L-SD-06, Revision A	24.08.2017

* Unless modified by any condition of this consent

2.2 Services

2.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

2.3 Suburb Name

2.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: KINGS LANGLEY

2.4 Signage

2.4.1 Discreet directional signage which provides clear way finding directions for pedestrians and vehicles are permitted to be erected. No illuminated, LED or moving signs are permitted. No business identification signage is approved.

Any other signage requires separate Council approval prior to installation, except where signage is permitted pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.5 Compliance with BASIX Certificate

2.5.1 All commitments for the Independent Living Units listed in the BASIX Certificate number: 785903M shall be complied with.

2.6 Engineering Matters

2.6.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- Blacktown City Council's Works Specification - Civil (Current Version)
- Blacktown City Council's Engineering Guide for Development (Current Version)
- Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- Blacktown City Council Growth Centre Precincts Development Control Plan
- Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- Blacktown City Council On Site Detention General Guidelines and Checklist
- Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook
THIRD Edition December 1999.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

NOTE: Any variations from these design requirements must be separately approved by Council.

2.6.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Maintenance of the construction works

These matters will be individually addressed within the consent

2.6.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

2.6.4 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc.).

A copy of this notice must be provided to Council's Co-ordinator of Engineering Approval.

2.7 Other Necessary Approvals

2.7.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

ROADS ACT APPROVAL 1993 (as amended)

- *Vehicular Crossing (application form only)*

LOCAL GOVERNMENT ACT APPROVAL 1993 (as amended)

- *Construction of any stormwater drainage located with Council Reserve(s)*

2.8 Other Matters

2.8.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

2.8.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

2.9 Drainage Section Matters

2.9.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Part J of DCP 2015 for the developed site in perpetuity:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Hydrocarbons	90

2.9.2 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used including the grey water landscape water usage. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

2.10 NSW Roads and Maritime Matters

2.10.1 All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Sunnyholt Road / Transitway boundary.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

3.2 Necessary Amendments

3.2.1 The external rear wall of the Maintenance Shed shall be made of masonry material with no openings and appropriately treated for noise attenuation purposes.

3.2.2 The external walls of the Independent Living Units which front an adjoining residential boundary shall be made of masonry material and appropriately treated for noise attenuation purposes.

3.3 **Road Fee**

3.3.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

Vehicular Crossing Application and Inspection Fee: \$145.00

3.4 **Aesthetics / Landscaping**

3.4.1 The reflectivity index of glass used in the external facades of the buildings is not to exceed 20 percent, must not affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas.

3.4.2 The development approved by Council is to be constructed in accordance with the approved External Colour Schedule. The certifier is to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the Building Code of Australia.

3.4.3 All proposed new retaining walls shall be made of masonry material. Where these walls are to be visible from a public place or road they are to be finished in a decorative appearance and not left as plain blockwork.

3.4.4 Service conduits which are located on the external facade of the building, and which are visible from the public domain, are not permitted to be exposed, and are to be appropriately screened from view so as to blend in and integrate with the overall presentation of the building.

3.5 **Street Tree Planting**

3.5.1 A Street Tree Planting Plan is required to be submitted for approval prior to a Construction Certificate being issued and is to be in accordance with Council's requirements for street tree species, street tree planting details and specifications including the use of root directors, maintenance and performance, bonds, services and charges. The new street tree species to be planted along James Cook Drive and Hawkesworth Parade is to be *Lophostemon confertus* at approximately 8 – 10 metres spacings and commence from the bus stop on James Cook drive and continue to Hawkesworth Parade and also along the Hawkesworth Parade frontage of the site.

3.5.2 Council's Project Officer for Civil and Open Space Infrastructure is required to be notified when new street trees have been planted so practical completion can be given on the street tree planting and the 12 month maintenance period can commence.

3.6 **Access / Parking**

3.6.1 All car parking spaces (being 36 spaces within the basement level of the Residential Aged Care Facility and 53 at-grade spaces for the Independent Living Units) and internal driveways/roads shall be maintained to a standard suitable for the intended purpose. A total of 4 car parking spaces are to be provided for persons with disabilities at all times. 1

ambulance bay is to be provided.

- 3.6.2 The layout of the access driveways, ramps and circulation aisles are to be designed in accordance with Australian Standard AS2890.1 and AS2890.2.
- 3.6.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6, including parking space dimensions and clearance.
- 3.6.4 All internal driveways / roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 3.6.5 All on-site car parking spaces are to be available to residents, staff, visitors and church patrons at all times.

3.7 Construction Traffic Management Plan

- 3.7.1 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of any Construction Certificate.

3.8 Waste Collection

- 3.8.1 The Construction Certificate documentation is to include notations which demonstrate that the waste collection vehicles can enter and exit the site in a forward direction. The roads and driveways to be used for waste collection vehicles are to be rated for at least 24 tonne trucks. The outdoor communal bin enclosures used to store and rotate bins must be weatherproof to prevent water/rain from entering the bins.

3.9 Staging / Phasing of Works

- 3.9.1 The development is permitted to be constructed and occupied in a staged manner, in accordance with the 'staging' detailed on the Site Plan - Stage 1, 2 and 3 Plans, Drawing Nos. DA04, DA05 and DA06, Amendment 1 and dated 13 January 2017 and as detailed in the Statement of Environmental Effects prepared by Don Fox Planning and dated March 2017.

3.10 Services/Utilities

- 3.10.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the removal of any power poles and any provision of street lighting, to the development.

4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

4.1 Building Code of Australia Compliance

- 4.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

4.2 Site Works and Drainage

- 4.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the relevant Construction Certificate.
- 4.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:
 - (a) be in accordance with Australian Standard 3500.3, and
 - (b) provide for drainage discharge to an existing Council drainage system, and
 - (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
- 4.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.
- 4.2.4 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
 - (a) Preserved and protected from damage, and
 - (b) Underpinned and supported.

Such details shall accompany the relevant Construction Certificate.

4.3 BASIX Certificate Compliance

- 4.3.1 The plans and specifications for the Independent Living Units must indicate compliance with the commitments listed in the BASIX Certificate Number: 785903M.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

5.1 Contamination and Remediation

- 5.1.1 All areas potentially/contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with:
 - NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (1997)

- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- Australian and New Zealand Environment and Conservation Council and National Health and Medical Research Council's *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* (1992)

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

5.1.2 All recommendations provided in the DA Acoustic Assessment prepared by Acoustic Logic dated December 2016 shall be implemented.

5.1.3 A qualified acoustic engineer must certify that the buildings have been designed to minimise the noise intrusion from any external noise source and when constructed the building shall satisfy the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria L_{Aeq} (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

A certificate must be prepared by a qualified acoustic engineer and submitted to Council stating that provision has been made in the design of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems to ensure that it is acoustically attenuated so that the noise emitted:

- a) does not exceed an L_{Aeq} sound pressure level of 5dB (A) above the ambient background noise level when measured
 - at the most effected point on or within any residential property boundary or
 - at the external edge of any sole occupancy unit balcony within the premises itself at any time the plant or equipment operates.
- b) cannot be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open) between the hours of 10pm and 7am.

The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

These requirements are to be detailed on the Construction Certificate documentation.

6 Prior to Construction Certificate (Engineering)

6.1 General

6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

6.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.

6.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
ACOR Consultants	SY160504	C101.01	-	E	06.10.17
		C101.02		D	
		C101.05		F	
		C101.06		E	
		C101.07		F	
		C102.01		E	
		C102.02		E	
		C102.03		E	
		C102.04		E	
		C102.05		D	
		C102.06		D	
		C102.07		D	
		C103.01		E	
		C104.01		E	
		C201.01		D	
		C201.02		D	
		C201.03		C	
		C201.05		D	
		C201.06		D	
		C201.07		D	
		C202.01		D	
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		C202.06		D	
		C202.07		D	
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		C204.02		D	
		C204.03		D	
		C205.01		C	
		C205.02		C	
		C205.03		C	
		C205.04		C	
		C205.05		C	
		C206.06		B	
		C206.01		C	
		C206.02		C	
		C206.03		C	
		C206.04		C	
		C207.01		C	
		C208.01		C	
		C208.02		C	
		C208.03		C	

The following items are required to be addressed on the Construction Certificate plans:

DRAINAGE SECTION REQUIREMENTS

1. Amended plans by ACOR Consultants Pty Ltd are to be submitted to satisfy the following:
 - a. Drawing C101.06 (E):
 - i. Raise the base of the detention tank to match the 1.5 year orifice centreline and provide a small sump to allow fixing of the orifice plate. Mortar-fill the sump to the orifice invert.
 - ii. Annotate the 2% slope in the base of the OSD tank. Annotate the tank as OSD1.
 - iii. Annotate levels within the OSD tank demonstrating the 2% slope in the base. Provide internal dimensions on the plan. Demonstrate that 110.26m^3 can be achieved below the 1.5 year weir and 166.88m^3 in total can be achieved below the emergency overflow weir.
 - iv. Include a table detailing the type and area of screens to protect the orifices with Maximesh Rh3030 for orifices 150mm or less with a minimum screen area of 50 times the orifice area and Weldlok F40/203 for orifices 150mm or more with a minimum screen area of 20 times the orifice area.
 - v. Annotate on the plan and sections of OSD 1 that access grates are minimum 900x900mm, except the Discharge Control Pit.
 - vi. Annotate step irons for all pits deeper than 1200mm. Step irons are to be staggered to give a 300mm spacing vertically and 220mm spacing horizontally (see Council plan A(BS)111S).
 - b. Drawing C102.04 (E):
 - i. In reference to Humeceptor STC 2, delete "or approved equivalent".
 - c. Drawing C201.06 (D):
 - i. Annotate the 2% slope in the base of the OSD tank. Annotate the tank as OSD 2.
 - ii. Annotate levels within the OSD tank demonstrating the 2% slope in the base. Provide internal dimensions on the plan. Demonstrate that 344.52m^3 can be achieved below the 1.5 year weir and 522m^3 in total can be achieved below the emergency overflow weir.
 - iii. Include a table detailing the type and area of screens to protect the orifices with Maximesh Rh3030 for orifices 150mm or less with a minimum screen area of 50 times the orifice area and Weldlok F40/203 for orifices 150mm or more with a minimum screen area of 20 times the orifice area.
 - iv. Annotate on the plan and sections of OSD 2 that access grates are minimum 900x900mm, except the Discharge Control Pit.
 - v. Annotate step irons for all pits deeper than 1200mm. Step irons are to be staggered to give a 300mm spacing vertically and 220mm spacing horizontally (see Council plan A(BS)111S).
 - vi. Change OSD outlet pipe size to be consistent with C202.07 (D).
 - d. Drawing C202.06 (D):
 - i. Annotate that the existing stormwater pipeline is 'to be removed'.
 - ii. Relocate the pipe from pit 3/E to 2/E to be fully within the development site. Delete pit 1/E as is.
 - iii. A 600mm stormwater pipeline has been proposed to run partially through Council's reserve on a new alignment to the existing downstream pit. The following conditions are given and are to be reflected on amended plans:

- a. The pipe from the boundary pit to the existing downstream pit shall be Reinforced Concrete Pipe (RCP) in accordance with Council's Engineering Guide for Development 2005.
- b. The connection to the existing downstream pit is to be made in accordance with Council standards and is to be inspected by Council's Civil Maintenance Section.
- c. The new pipe is to be run in the same alignment as the existing pipe being removed to reduce excavation and disturbance of the site.
- d. Any pits constructed or modified within the reserve are to be benched to minimise the risk of blockage.
- e. Drawing C202.07 (D):
 - i. In reference to Humeceptor STC 9, delete "or approved equivalent".
 - ii. Relocate the pit and pipe system from pit 3/E to 2/E to be fully within the development site.
- f. Where any overflow from the eaves gutter will bypass the detention system, increase the capacity of the gutters and downpipes to collect the 5 minute 100 year ARI roof flows.
- g. Provide galvanised step irons or ladders for all entry points to the OSD tanks.
- h. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the OSD tank and rainwater tank in accordance with Council's Engineering Guide for Development 2005.
- i. The drainage plans are to clearly demonstrate that all the surface areas within the development area can collect the minimum critical 100 year ARI flows (including roof overflows) through a series of pits, swales, kerbs or raised garden beds. Any paths or driveways sloping to the street are to have grates or pits to collect such flows.

2. Amended Infrastructure Report
 - a. Under section 3.2 'Stormwater', adjust the sixth paragraph – basing the demand for OSD on the net increase of hard surfaces over the existing situation is incorrect, as OSD is based on the new development area, not perviousness. The critical 'trigger area' is 150 square metres, not 1500.
 - b. Under section 3.2 'Stormwater', adjust the seventh paragraph – the requirement for stormwater quality facilities are not based on net paved area increases or the number of parking bays. Rather, as a nursing home located in a Section 94 contribution area, the development must provide Section 94 contributions based on the area of the new development to meet Council's pollution reduction targets, plus provide a GPT to capture gross pollutants and hydrocarbons.
3. An experienced Drainage Engineer registered with NER and supported by a DRAINS or similar electronic hydraulic drainage model is to certify that the internal drainage system is capable of carrying the critical 100 year ARI flows to the detention tank through either piped or surface flows.
4. A Professional Structural Engineer, registered with NER, must certify the structural design for any pier footings adjacent to the detention tanks to be founded a minimum of 300mm below the underside of the tanks. The depth of piers away from the tanks will be subject to the zone of influence.

5. A Professional Structural Engineer, registered with NER, must certify that:
 - i) All retaining walls, posts and piers are clear of the drainage easement;
 - ii) The adjacent structures do not impose any load on the pipe;
 - iii) The full width of the easement can be excavated down to a minimum of 300mm below the pipe invert with the retaining walls, posts, or piers remaining self-supporting;
 - iv) The depth of piers or structures away from the edge of the easement is subject to the zone of influence from a minimum of 300mm below the pipe
6. An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing within the RACF complex and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
 - i) a first flush or pre-treatment system (at min. 0.2 litres / m² of roof area going to the tank),
 - ii) a pump with isolation valves and a warning light to indicate pump failure;
 - iii) a mains water direct tank top up with air gap;
 - iv) a solenoid controlled mains water bypass for toilet flushing only;
 - v) flow meters on the mains water tank top-up line, the solenoid controlled mains water bypass line, the pump outflow line and on any grey water reuse schemes, to determine actual non-potable usage;
 - vi) a timer and control box for landscape watering, allowing for seasonal variations;
 - vii) ensuring all the rainwater reuse pipes are coloured purple;
 - viii) an inline filter and preferably an automatic backwash inline filter.
 - ix) fitting rainwater warning signs to all external taps using rainwater.
7. Provide as part of the Non-Potable Water Supply and Irrigation Plan, landscape watering details by an experienced irrigation specialist showing the layout of automatic backwash filters, flow meters, timers, taps and pipes and spray irrigation. The system is to be designed to automatically achieve an average usage rate of 1,560kL/year (excluding turf areas) allowing for seasonal variations. Seasonal variations include increasing the frequency of watering by 50% above average for the hotter months. Where this demand is met partly or fully through a greywater treatment system, provide details.
8. Provide details for a permanent coloured interpretive signage minimum A1 size to be installed to highlight the water conservation and on-site detention process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures the rainwater tank and on-site detention and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located in an area accessible by the public. The wording and detail is to be approved by Council.
9. Obtain a written agreement from Council's Property Section for a minimum 2.5m wide drainage easement on the downstream lot 115/707741 (Council Reserve) located over the centreline of the proposed drainage line in accordance with the requirements of Council's Engineering Guide for Development 2005.
10. Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;

- iii. 4 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. Water efficient washing machines and dishwashers are to be specified.

6.2 Construction Certificate Requirements

6.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:

- Road and drainage construction
- On-site stormwater detention
- Water quality treatment
- Earthworks

The above requirements are further outlined in this section of the consent.

6.3 Local Government Act Requirements

6.3.1 Under *Section 68 of the Local Government Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Construction of stormwater drainage (or associated) within a Council Reserve

The above requirements are further outlined in this section of the consent.

6.4 Roads Act Requirements

6.4.1 Under *Section 138 of the Roads Act 1993* an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Vehicular crossings (VEHICLE CROSSING APPLICATION FORM ONLY)

The above requirements are further outlined in this section of the consent.

6.5 Other Engineering Requirements

6.5.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.

6.5.2 Any ancillary works undertaken shall be at no cost to Council.

6.5.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.6 Roads

6.6.1 Submit a traffic management plan (TMP) including but not limited to a Traffic Control Plan (TCP) and Pedestrian Management Plan, for any works within public road reserves. The TCP shall be approved, signed and dated by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer.

6.6.3 Proposed new private internal driveways shall be designed and constructed generally as follows:

Certification that the internal private driveway has been designed in accordance with the relevant Australian and Councils Standards including but not limited to:

- Where an alternate designs to ridged pavement designs are proposed the design must be accompanied by supporting evidence from a geotechnical engineer as to the bearing capacity of the subgrade and the structural adequacy of the proposed pavement design.
- A statement clearly detailing that the proposed road design is 'fit for purpose' supported by swept path analysis and traffic report of the proposed design

6.6.4 Replace any redundant (or part thereof) layback and footway crossing (fronting the development) with Council's standard kerb and gutter. The footway area shall be restored with turf in accordance with Council's specifications.

6.7 **Drainage**

6.7.1 Drainage from the site must be connected into Council's existing drainage system.

These works shall generally be constructed under the deferred commencement section of this consent under a separate S68 Local Government Act 1993 approval.

6.7.2 The existing depression/watercourse through the site must be piped and/or channelled to contain stormwater discharges up to the 1% A.E.P. (100 year Average Recurrence Interval) event.

6.7.3 Any overland or stormwater flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system and discharged in a satisfactory manner.

6.8 **Erosion and Sediment Control**

6.8.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

6.9 **Earthworks**

6.9.1 Retaining walls shall be a maximum single height of 1.2m (600mm cut + 600mm fill). Where a retaining wall is proposed that is more than 1.2m in height, a terraced solution shall be provided. Terraces should not exceed 900mm in height (each). Note that the lower terrace is to be inside the lower lot, and the upper terrace on the boundary. Terraces should have a minimum separation distance equal to the height of the terrace. Retaining walls shall be of masonry construction.

Where an alternative retaining wall detail is proposed, an experienced Structural Engineer registered with NER is to certify the structural stability of any alternate system.

6.10 **On-Site Detention**

6.10.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.

6.10.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 96 application.

6.10.3 Submit the following certificates which are to be prepared by a registered engineer (NER):

- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
- Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.

6.10.4 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:

- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
- OSD detailed design submission and calculation summary sheet
- A maintenance schedule that is signed and dated by the designer

6.11 **Stormwater Quality Control**

6.11.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

6.11.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.

6.11.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

6.12 **Vehicular Crossings**

6.12.1 Construct a commercial and industrial vehicular crossing to Council's standard A(BS)103S*.

* Construction of the crossing shall be undertaken under the Commercial/Industrial Vehicle Crossing Application Form available on the Council website or at the Council Chambers.

7 **PRIOR TO DEVELOPMENT WORKS**

7.1 **Safety/Health/Amenity**

7.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

7.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance

with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

7.1.3 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

7.1.4 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

7.1.5 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

7.2 **Notification to Council**

7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

7.3 **Sydney Water Authorisation**

7.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website:

www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

7.4 Protection of Fauna

7.4.1 Prior to any trees being removed, the Applicant/person acting on this consent is required to engage an appropriately qualified Ecologist is to attend the site and investigate if any birds or animals are nesting within the trees approved for removal and to provide alternate roosting nests.

8 PRIOR TO DEMOLITION WORKS

8.1 Safety/Health/Amenity

8.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.

8.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

8.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place or adjoining land or place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

8.1.4 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility

is not practicable to some other sewage management facility approved by Council.

8.1.5 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

8.2 Tree Protection

Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

8.3 Other Matters

8.3.1 The Applicant is to advise all adjoining neighbours, and those located opposite the subject development site, by letter, of their intention to commence demolition work. The letter shall be distributed at least 2 days prior to the intended work and include the following information:

- date/s, hours and duration of the works.
- contact name and phone number of the applicant
- contact name and phone number of the licensed demolisher
- WorkCover NSW contact number 131050, and email address contact@workcover.nsw.gov.au

9 DURING DEMOLITION WORKS

9.1 Dust Management Measures

9.1.1 Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.

9.2 Demolition

9.2.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- a. NSW WorkCover Authority (Ph: 13 10 50) – “Short Guide to Working with Asbestos”,
- b. NSW Department of Environment and Conservation (Ph: 9995-5000) – “A Guide to Keep Your Family Safe from Lead”, “A Renovators Guide to the Dangers of Lead”,
- c. “Code of Practice for the Safe Removal of Asbestos” – National Occupational Health and Safety Commission:2002 (1988),
- d. Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- e. Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications), and
- f. Australian Standard 2601-2001 – The Demolition of Structures.

9.3 Safety/Health/Amenity

9.3.1 Any excavation and/or backfilling associated with the demolition works shall be executed

safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 9.3.2 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 9.3.3 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 9.3.4 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 9.3.5 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 9.3.6 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 9.3.7 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

9.4 Nuisance Control

- 9.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 9.4.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.
- 9.4.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

10 DURING DEMOLITION AND CONSTRUCTION (PLANNING)

10.1 Premises Construction

10.1.1 Any asbestos material is to be handled and treated in accordance with the WorkCover document “*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*” dated March 2008.

10.2 Contaminated Material

10.2.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council's Manager, Development Services for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

10.3 European Heritage

10.3.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works shall not recommence until written authorisation from the Heritage Council is issued.

10.4 Aboriginal Heritage

10.4.1 If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the NSW Office of Environment & Heritage informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the NSW Office of Environment & Heritage is received by the Applicant. In addition, a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

10.5 Construction Traffic Management Plan

10.5.1 All works/activities are to be in accordance with the submitted Construction Traffic Management Plan.

11 COMPLETION OF DEMOLITION WORKS

11.1 Final Inspection

11.1.1 A final inspection is required to ascertain compliance with the condition of approval prior to the release of the road damage deposit.

11.2 Hazardous Materials and Waste

11.2.1 A clearance certificate/statement prepared in accordance with the National Code of Practice for the Safe Removal of Asbestos shall be issued by the competent demolition contractor who holds an appropriate Demolition Licence issued by the NSW WorkCover Authority under the provisions of the Work Health and Safety Act 2011 (and any relevant Regulation there under). The certificate/statement must state that the pre-existing building/s was/were demolished in accordance with the conditions and terms of that

licence, Australian Standard 2601-2001 – The Demolition of Structures and that any asbestos removal has been carried out in accordance with NOHSC-2002 – Code of Practice for Safe Removal of Asbestos. A copy of the clearance certificate/statement shall be lodged with Council.

11.2.2 Submit the receipt from the trade waste depot for disposal of the asbestos from the removal/demolition of the existing dwelling.

12 DURING CONSTRUCTION (BUILDING)

12.1 Safety/Health/Amenity

12.1.1 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

12.2 Building Code of Australia Compliance

12.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

12.3 Surveys

12.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

12.4 Nuisance Control

12.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

12.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

12.5 Stormwater Drainage

12.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

12.6 Waste Control

12.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

12.7 Construction Inspections

12.7.1 The person having the benefit of this consent is required to notify the Principal Contractor

for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection “(f)” must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

13 DURING CONSTRUCTION (ENGINEERING)

13.1 Notification of Works

- 13.1.1 A written notification of works must be submitted to Council’s Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.
- 13.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council’s Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

13.2 Insurances

- 13.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council’s Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

13.3 Boundary Levels

13.3.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

13.4 **Tree Protection and Preservation**

13.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.

13.4.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

13.4.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

13.4.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

13.5 **Soil Erosion and Sediment Control Measures**

13.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

13.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.

13.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

13.6 **General Filling of Land and Compaction Requirements**

13.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

13.6.2 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

- 13.6.3 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.
- 13.6.4 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.
- 13.6.5 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 13.6.6 Trucks transporting material must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 13.6.7 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

13.7 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

- 13.7.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

13.8 Inspection of Engineering Works - Roads Act 1993/Local Government Act 1993

- 13.8.1 All inspection(s) required by this consent for any engineering works that are approved under the *Roads Act 1993/Local Government Act* must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum twenty-four (24) hours notice. Councils Development Overseers may be contacted on 02 9839 6586 between 7am - 8am and 12.30pm - 1.30pm, Monday to Friday. Note: A site inspection is required prior to commencement of work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

13.9 Public Safety

- 13.9.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

13.10 Site Security

13.10.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

13.11 Traffic Control

13.11.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.

13.11.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.

13.11.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.

13.11.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.

13.11.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.

13.12 Other Drainage Matters

13.12.1 The Humeceptor STC 2 and STC 9 are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

14 PRIOR TO OCCUPATION CERTIFICATE

14.1 Road Damage

14.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

14.2 Compliance with Conditions

14.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

14.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

14.3 Temporary Facilities Removal

14.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

14.3.2 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

14.5.3 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

14.4 Fire Safety Certificate

14.4.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use each of the buildings, except in the case of any Class 1a and Class 10 building(s).

14.5 Management of Acoustic and Vibration Impacts

14.5.1 Prior to the occupation / operation of each of the approved stages of this development, certification must be provided by a qualified acoustic engineer that all work associated with the building (including walls, all door and window openings and the roof), installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent. This certification is required to consider the operation of the premises and all associated plant and equipment to ensure it satisfies the relevant policies during the day and night periods with regard to noise and vibration impacts. Should any neighbouring properties or residential receivers be adversely impacted with regard to excessive noise and vibration impacts, improved acoustic mitigation measures are required to be introduced.

14.6 Other Matters

14.6.1 The landscaped areas for each stage are to be provided in accordance with the approved landscaping design plan prior to the issue of the Occupation Certificate for the relevant stage.

14.6.2 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

14.6.3 Appropriate way finding signage is to be erected which directs staff, visitors and delivery vehicles to the appropriate locations.

14.6.4 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability and the measures identified by Adventist Aged Care submitted in their correspondence dated 5 June 2017 including instructions to staff and visitors verbally, in staff newsletters and notices.

- 14.6.5 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 14.6.6 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 14.6.7 All required internal roads and car parking spaces for the use of staff, residents, visitors, deliveries and loading/unloading shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 14.6.8 All privacy screening measures and boundary fencing detailed on the approved plans are to be installed and completed prior to the issue of any Occupation Certificate.
- 14.6.9 Any above ground rainwater tank and other services/utilities that is visible from the street or a public place is to be screened from view by a physical screen and landscape screening.

14.7 Street Tree Planting

- 14.7.1 Prior to the issue of the final Occupation Certificate, all required street tree planting and payments of bonds are to be completed to Council's Civil and Open Space infrastructure Section satisfaction.

14.8 Waste Collection

- 14.8.1 A Community Management Agreement/Strata Management Agreement, or similar, must exist which:
 - i. Clearly outlines that no bins are to be located or placed in the approved collection points outside the scheduled collection time for that area.
 - ii. Clearly outlines responsibility of the building manager / caretaker to transfer bins to their nominated collection point and remove them on the same day of service which will be in line with collection schedules for that area.
 - iii. Clearly outlines the method of communication to new tenants and residents regarding Council's waste management services and collection system for the development.
 - iv. Includes the approved waste management plan as submitted with the development application.
- 14.8.2 Council requires the Strata Manager / Community Management Association, or similar, to sign Council's 'Agreement for Onsite Waste Collection' form prior to any waste collection occurring on-site.
- 14.8.3 The operator of the facility is responsible for all medical waste management and disposal/collection.

14.9 Total Maintenance Plan

- 14.9.1 A "total" maintenance plan is to be prepared for the site. The plan is to ensure the following:
 - (a) The long term up-keep and cleanliness of the development, to ensure all buildings, driveways, internal roads/driveways, car park areas, fencing, soft and hard landscaping, outdoor areas, security systems, directional signage, lighting, plant and equipment,

loading areas and services are regularly inspected and maintained at optimum levels at all times.

(b) That security, cleanliness and general repairs are managed appropriately, and that areas are not left unattended for long periods thereby substantially increasing the opportunity for graffiti or anti-social behaviour. Any unwanted "junk mail" is to be collected on a regular basis and disposed of as necessary.

(c) The development is always managed by a Building Manager / Caretaker.

A copy of the Plan is to be submitted to Council prior to the release of the final Occupation Certificate.

14.9 Graffiti Management Plan

14.9.1 A "Graffiti Management Plan" is to be submitted for the separate approval of Council. The Plan is to address the following issues:

- (a) Methods to minimise the potential for graffiti;
- (b) Management/notification procedures for the "early" removal of graffiti;
- (c) Annual review of any "management agreement" for the removal of graffiti to ensure the property is maintained at its optimum level; and
- (d) Maintenance of suitable landscaping to minimise the potential for graffiti attacks.

14.11 Restriction as to User

14.11.1 As required by clause 18 'Restrictions on occupation of seniors housing allowed under this Chapter,' pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, a restriction as to user shall be registered against the title of the property(s) in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1) as follows:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

14.12 Fire Sprinklers

14.12.1 As required by clause 22 'Fire sprinklers in residential care facilities for seniors,' pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, a fire sprinkler system is to be installed in the residential care facility building in accordance with the relevant BCA requirements.

14.13 Standards concerning accessibility and useability for self-contained dwellings

14.13.1 As required by Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, documentation is required to be submitted to the satisfaction of the PCA that the approved new Independent Living Units are required to demonstrate that they satisfy all requirements of this clause.

14.14 Services / Utilities

14.14.1 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

14.15 Fee Payment

14.15.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

14.16 Engineering Matters

14.16.1 Surveys/Certificates/Works As Executed plans

14.16.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

14.16.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.

14.16.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.

In particular:

A Civil Engineer registered with NER, is to certify that:

- a. all the requirements of the approved drainage plan have been undertaken;
- b. the minimum detention storage of 110.26m³ has been provided below the 1.5 year weir & 166.88m³ has been provided below the emergency overflow weir in OSD1;
- c. the minimum detention storage of 344.52m³ has been provided below the 1.5 year weir & 522m³ has been provided below the emergency overflow weir in OSD2;
- d. both OSD tanks have been constructed with a 2% base slope;
- e. For OSD1, the orifice sizes provide a 14L/s discharge in the 1.5 year ARI storm and 66.4L/s discharge in a 100 year ARI;

- f. For OSD2, the orifice sizes provide a 44.1L/s discharge in the 1.5 year ARI storm and 208.1L/s discharge in a 100 year ARI event;
- g. all the signage and warning notices have been installed;

14.16.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.

14.16.1.5 A Certificate shall be submitted by a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

14.16.1.6 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

In particular:

A Civil Engineer registered with NER, is to certify that:

- a. all the requirements of the approved drainage plan have been undertaken;
- b. the Humeceptors have been installed for the site as per the manufacturer's recommendations;
- c. a minimum 1830m² roof catchment from the RACF complex is directed to the rainwater storage supplying all the toilets/urinals within the RACF complex

14.14.1.7 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

14.14.1.8 Where an alternative retaining wall detail is proposed, an experienced Structural Engineer registered with NER is to certify the structural stability of any alternate system.

14.14.2 Easements/Restrictions/Positive Covenants

14.14.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

- (a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).
- (b) The standard format for easements and restrictions as accepted by the Lands Title Office.

14.14.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the on-site detention storage areas and outlet works.

- 14.14.2.3 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Government - Land and Property Information over the Stormwater Quality Control AND Rainwater Tank(s) devices/system and outlet works.
- 14.14.2.4 The creation of an Easement to Drain Water, with a minimum width in accordance with Councils Engineering Guide for Development (current issue), over the following nominated lot(s) free of cost to Council. The easement must be created under the *Conveyancing Act 1919* and have the nominated lot(s) burdened and each and every lot upstream benefited.

Nominated Lot(s) Burdened: 115/707741 Benefited: 33/1089417

Nominated Easement Width: 2.5

- 14.14.2.5 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

14.14.3 Bonds/Securities/Payments in Lieu of Works

- 14.14.3.1 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.
- 14.14.3.2 A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months.
 - a) In the case of subdivision - This period commences at the release of the final plan of subdivision. (Issue of Subdivision Certificate)
 - b) In the case where no subdivision occurs - This period commences at the date of practical completion of the development.

This maintenance period may be extended in the following situations to allow for the completion of i) necessary maintenance and or ii) all outstanding minor works.

14.14.4 Inspections

- 14.14.4.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

14.14.5 Other Drainage Section Matters

- 14.14.5.1 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 14.14.5.2 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses are being supplied by rainwater or recycled grey-water and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a

copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.

- 14.14.5.3 An experienced irrigation specialist is to certify that all the requirements of the detailed Landscape Watering Plan have been installed as per the approved plan and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 14.14.5.4 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the detention tank, Humeceptors, and rainwater tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.
- 14.14.5.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers have been used.

15 OPERATIONAL

15.1 Environmental Management

- 15.1.1 A post commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants within 3 – 6 months of the facility operating to validate the findings of DA Acoustic Assessment shall be submitted
- 15.1.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 15.1.3 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.1.4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 15.1.5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of

carrying out the approved activity where material harm to the environment is caused or threatened.

15.2 Access / Parking

- 15.2.1 All required off-street car parking spaces (being 36 spaces within the basement level of the Residential Aged Care Facility and 53 at-grade spaces for the Independent Living Units), 1 ambulance bay and internal roads shall be maintained to a standard suitable for the intended purpose.
- 15.2.2 All loading, unloading operations and parking shall take place at all times wholly within the confines of the land.
- 15.2.3 All vehicles must enter and exit the site in a forward direction.
- 15.2.4 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 15.2.5 All activities related to waste collection and loading / unloading activities which utilise the driveway and manoeuvring area within the site and in the vicinity of the site are only permitted to be carried out between 7.00am to 6.00pm Monday to Friday, 8.00am to 6.00pm Saturday, with no collection permitted on Sundays and public holidays. Should a public holiday occur on a Saturday, waste collection is permitted to occur on that day between 9.00am to 2.00pm.

15.3 Specific Uses

- 15.3.1 The approved 'Seniors Housing' development shall comply with the requirements of the following definitions contained within Blacktown Local Environmental Plan 2015:

'Seniors Housing' which means "a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital."

'Place of public worship' which means "a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training."

- 15.3.2 The approved offices, therapy and consulting room(s), kitchenette, hairdresser and dining/sitting rooms shall be used solely in conjunction with the use of the buildings as a Seniors Housing development and Place of Public Worship. The separate use or occupation of these approved office spaces is not permitted by this consent.
- 15.3.3 The development shall not be used or converted for use for any purpose other than that:
 - (a) Granted consent by Council's Notice of Determination, or

(b) Which is “Exempt Development” under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

15.3.4 Any change of use of the development, other than a ‘seniors housing’ development and a ‘place of public worship’, will require separate development consent to be obtained from Council and will be required to provide the minimum number of car parking spaces as required by the Blacktown Development Control Plan 2015 for that new land use.

15.4 Waste Collection

15.4.1 It is the responsibility of the operator / building manager / caretaker to transfer bins to the nominated collection points/areas for Council and/or private waste collection. The bins must be immediately returned to their storage areas upon the completion of the waste collection process.

15.5 Chapel

15.5.1 Any events/gatherings/mass to be hosted within the Chapel or ‘place of public worship’ are required to be held between the hours of 8am to 9pm, 7 days a week, including public holidays.

15.5.2 All staff and visitors/persons attending the Chapel are to be directed to park within the approved on-site car parking spaces.

15.5.3 The Chapel is permitted to be attended by persons associated with Adventist Aged Care and the general public.

15.6 Maintenance Shed

15.6.1 The landscape screening between the southern boundary and the approved maintenance shed and the service yard is to be maintained for the life of the development.

15.6.2 The approved hours of operation of the maintenance shed and the service yard are 7 am to 6 pm, Monday to Saturday only. Activities within the maintenance shed and the service yard which are noise generating are not permitted on public holidays and are limited to activities related to maintaining equipment only. Repairs or testing of equipment inside the facility is not permitted at any time.

15.6.3 Activities which generate excessive acoustic impacts are not permitted to be undertaken within the maintenance shed and the service yard.

15.7 General

15.7.1 The privacy screening measures are to be maintained for the life of the development.

15.7.2 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

15.7.3 The maintenance of the boundary fencing is the responsibility of the Applicant/operator of this development. This fence is to be kept in a well maintained condition for the life of the development.

15.7.4 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

- 15.7.5 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 15.7.6 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 15.7.7 No signage, goods, materials, or the like, are to be stored at any time outside of the buildings on the internal vehicular driveways, car parking area, landscaping or footpaths.
- 15.7.8 All loading and unloading operations shall take place at all times wholly within the confines of the land. All unloading activities are to be conducted in a manner that does not impact on the amenity of adjoining property owners/occupants.
- 15.7.9 Removal of any graffiti visible from any public road or place is the responsibility of the property owner/s. Once identified, all graffiti must be removed within 48 hours. The development is to be maintained in accordance with the Total Maintenance Plan and Graffiti Management Plan as required by Conditions 14.10 and 14.11.
- 15.7.10 Separate development consent is required from Council should the operation of this Seniors housing development and place of public worship operate outside of the scope of this development consent as this is considered to be an intensification of use.